

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-20626

KENNY MATTHEWS,

HONORABLE AVERN COHN

Defendant.

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**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S REQUEST
FOR PRODUCTION OF TRANSCRIPTS AND COPIES OF SAME
AND
DENYING MOTION TO PROCEED IN FORMA PAUPERIS AS PREMATURE**

This is a criminal case. On March 28, 2008, defendant was sentenced to 120 months imprisonment following his plead of guilty to Arson to Commit Any Federal Felony.

Defendant has filed a motion styled "Motion for Order for Production of Transcripts and Copies of Same at Government's Expense, and Motion to Proceed in Forma Pauperis." Essentially, defendant seeks copies of transcripts and other documents from his case in order to file a motion under 28 U.S.C. § 2255 and requests in forma pauperis status to proceed on his motion.

Defendant first requests copies of his plea hearing and sentencing hearing. The Court cannot grant the request at this time. To obtain a copy of these transcripts, defendant must sign and date the enclosed form under the Section 15 and return it to

the Court to the attention of the Court Reporter, Sheri K. Ward. Upon receipt of the form, copies will be mailed to you within 30 days. If you desire copies sooner, please check "expedited" under Section 14(b).

Next defendant requests copies of the docket sheet and plea agreement. This request is GRANTED. The requested copies are enclosed.

Finally, defendant requests copies of his presentence report, objections to the presentence report, and the government's response to the objections. The Court cannot provide these to defendant. Rather, defendant must ask his Case Manager at the prison for copies of these documents.

Defendant also requests in forma pauperis status (IFP). This request is DENIED as premature. The Court cannot grant him IFP status until he files a motion under § 2255.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 22, 2009

I hereby certify that a copy of the foregoing document was mailed to Kenny Matthews, 41009-039, FCI Pekin, P.O. Box 5000, Pekin, IL 61555 and the attorneys of record on this date, January 22, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160